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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,905	03/26/2001	David E. Creamer	GP-301003	5332
7590 02/07/2006 CHRISTOPHER DEVRIES General Motors Corporation Legal Staff Mail Code 482-C23-B21 P.O. Box 300 Detroit, MI 48265-3000			EXAMINER KYLE, CHARLES R	
			ART UNIT 3624	PAPER NUMBER
DATE MAILED: 02/07/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/816,905

Applicant(s)

CREAMER ET AL.

Examiner

Charles Kyle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Examiner's Note***

The Examiner notes that none of the Claims were amended. Accordingly, the rejection of Claim 22 and objection to Claim 24 are maintained.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claim 22** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It recites the phrase "entering an expedited loan process". Use of the word "expedited" makes the Claim indefinite.

### ***Claim Objections***

**Claim 24** is objected to because of the following informalities: it begins with "an" rather than "a". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2001/0029482 *Tealdi* in view of US 2004/0143450 *Vidali*.

**With respect to Claim 1**, *Tealdi* discloses the invention substantially as claimed including in a method of processing a loan (Abstract), steps of:

Partnering with a third party service provider (paras. 4, 37 and 42);

Providing loan production and closing “teams” (processor in Summary of the Invention facilitating functions of “teams” in discussion of Claims 5 and 6 discussed below);

Gathering loan information online (Title; para. 14);

Concurrent execution of tasks (Fig. 5, eles. 506, 507).

*Tealdi* does not specifically disclose that the teams are distinct for loan production and closing. However, the claim language does not recite a limitation of separate teams. In this sense, the processor which performs the function of these “teams” is unitary, but still reads on the Claim limitation.

Further, it would further have been obvious to one of ordinary skill in the art at the time of the invention to provide in *Tealdi*, as disclosed by *Vidali* at Fig. 1B and related text, concurrent operation of all tasks by third party service providers because this would have produced a more rapid closing of the loan. See the discussion of Claims 8 and 22 regarding such rapid processing.

Applicants’ claimed invention appears to be the performance of traditional loan processing and closing as disclosed by the prior art using parallel processing of different functions within specific time periods. For the reasons set forth in the discussion of Claims 1, 8 and 22 at least, these cannot provide a patentable distinction.

**As to Claim 2,** *Tealdi* discloses partnering with a title company at paras. 4, 37 and 42.

**With respect to Claim 3,** see the discussion of Claim 5.

**As to Claim 4,** see the discussion of Claim 8 regarding the recited time limitations.

*Tealdi* further discloses establishing a communication link to a service provider to receive loan information at para. 42.

**As to Claim 5,** *Tealdi* discloses appraisal service at para. 42. *Tealdi* does not specifically disclose environmental and engineering information. *Vidali* discloses these elements of loan processing at Fig. 10, “Englewood Surveying and Mapping, Boundary Line Survey” (environmental) and “Blackwell Construction, Structural and Mechanical Inspection” (engineering). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the elements of loan processing disclosed by *Vidali* in the method of *Tealdi* because this would give lenders confidence that the environment and structure of the related property were in good order.

**Regarding Claim 6,** *Tealdi* discloses drafting a loan document at paras. 171-172).

**As to Claim 7,** *Tealdi* discloses a website for borrowers and brokers at para. 87.

**With respect to Claim 8,** see the discussion of Claim 22, which recites a superset of the limitations of Claim 8. *Tealdi* does not specifically disclose specific time limitations for performance of functions recited by the Claim. Official Notice is taken that it was old and well known to expedite processing of loan information to close a loan. For example, a system and method for real time processing of loan information for loan approval quickly places money in the hands of a borrower and a receivables asset on the books of a lender. Time is money. It

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would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Tealdi* to rapidly process underwriting of a loan because this would allow the borrower to settle on property more quickly and allow a lender to receive interest revenues more quickly.

**Regarding Claim 9**, *Tealdi* discloses accessing borrower information through the Internet at para. 35.

**Regarding Claims 10-12**, see the discussion of Claims 1, 2 and 22. *Tealdi* further discloses credit evaluation by a production team at paras. 35-36, at least.

**With respect to Claim 13**, see the discussion of Claims 1 and 8.

**With respect to Claim 14**, *Tealdi* discloses a third party service provider as a title company at para. 42.

**With respect to Claim 15-16**, see the discussion of Claims 1, 8 and 22.

**Regarding Claim 17**, see the discussion of Claim 1 and *Vidali* discloses at Fig. 10 “Blackwell Construction, Structural and Mechanical Inspection” (engineering).

**With respect to Claim 18**, see the discussion of Claims 15 and 4.

**As to Claims 19-21**, see the discussion of Claims 15 and 5 and 6.

**As to Claims 22 and 24**, which are essentially identical, *Tealdi* discloses the invention substantially as claimed including in a method of processing a commercial loan (Abstract) comprising the steps of:

compiling borrower information (para. 17-35);

compiling lender information (para 103-110; Fig. 7);

providing a selection of applicable loan programs (Fig. 6, ele. 670; para. 147);

entering an expedited loan process (para. 155; Fig. 14, “Start”);

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generating a signed loan application (paras. A9-35 and 171-172; signing is inherent to complete a loan application);  
generating a loan document (171-172);  
clearing title through a title company (clear title from title report at paras. 4, 37 and 42 is inherent to closing disclosed as below; lender would not settle with unclear title) ;  
generating an appraisal with third-party services (para. 42);  
operating said production team, closing team, title company, and third-party services in parallel to process the commercial loan; and  
closing the commercial loan (para. 53).

*Tealdi* does not specifically disclose that the teams are distinct for loan production and closing. However, the claim language does not recite a limitation of separate teams. In this sense, the processor which performs the function of these “teams” is unitary, but still reads on the Claim limitation. Further, it would further have been obvious to one of ordinary skill in the art at the time of the invention to specifically provide concurrent operation of all tasks by third party service providers because this would have produced a more rapid closing of the loan. See the discussion of Claims 1, 8 and 22 regarding such rapid processing.

**Regarding Claim 23**, see the discussion of Claims 22 and 8.

### ***Response to Arguments***

Applicant's arguments filed November 23, 2005 have been fully considered but they are not persuasive.

At page 1 of Response, Applicants argue against the rejections of Claims 4, 8-21 and 23 under 35 U.S.C. 112, first paragraph. The rejection is withdrawn.

At page 2 of Response, Applicants argue against the rejections of Claims 1-6, 11-14 and 22-24 under 35 U.S.C. 101. The rejection is withdrawn.

At page 3, Applicants argue against the art rejections under 35 U.S.C. 103. Applicants argue that the processing of *Tealdi* is unitary, but fail to address the additional teachings cited and relied upon from *Vidali*, which show concurrent operation of third party providers. Applicants fail to address the Examiner's express motivation to combine the teachings of the references. Argument against a single reference of a rejection in which two references were relied upon is not persuasive.

Applicants argue that the art does not disclose specific time limitations. The Examiner addressed these limitations in the rejection of Claim 22, where such expedited time periods would be obvious to allow sooner collection of interest revenues. Applicants do not comment of this observation.

As to Applicant's argument comment that "Start" is not an expedited loan process, *Tealdi* clearly shows entry to a loan process at "Start"; the following Figure element recites "Receive Loan Application Pre-Approval & Conditions". This is clearly as "expedited" as Applicants claimed invention. Applicants imply that recitation of the word "expedited" somehow clearly provides a patentably distinguishing limitation. The word is very broad and cannot confer patentability.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the



time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Kyle whose telephone number is (571) 272-6746. The examiner can normally be reached on 6:30 to 3:00.

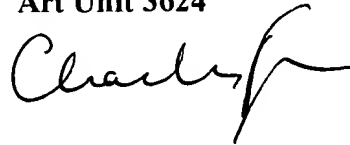
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

crk  
January 31, 2006

**Primary Examiner**  
**Charles Kyle**  
**Art Unit 3624**

A handwritten signature in black ink, appearing to read "Charles Kyle", with a stylized flourish at the end.